

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SST FOUNDATION,

:

Plaintiff,

:

- against -

:

CREDIT SUISSE, SUISSE AMERICAN  
SECURITIES, INC. and NEW YORK STATE  
DEPARTMENT OF TAXATION,

:

Defendant(s).

:

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SCHEDULING ORDER

07 Civ. 4758 (SAS)

Conference Date:

January 3, 2008

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P.  
16(b) on (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed  
scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the  
Order:

- (1) the date of the conference and the appearances for the parties; January 3, 2008  
Counsel for Plaintiff: Elliot L. Schaeffer, Esq. - Schaeffer & Krongold LLP  
Counsel for Defendant Swiss American Securities Inc.: Allan N. Taffet, Esq. - Duval & Stachenfeld LLP
- (2) a concise statement of the issues as they then appear;  
Plaintiff alleges that defendant Swiss American Securities Inc. ("SASI") breached a contract or,  
alternatively, converted or negligently honored a New York State tax levy. Defendant denies the  
allegations.
- (3) a schedule including:

(a) the names of persons to be deposed and a schedule of planned depositions;

Donald Kalfin, Cecile Kalfin, Trustees of the SST Foundation, representatives of SASI with  
knowledge of the underlying facts

(b) a schedule for the production of documents;

Documents to be produced by February 15, 2008

(c) dates by which (i) each expert's reports will be supplied to the adverse side May 2, 2008, and  
(ii) each expert's deposition will be completed; May 23, 2008

(d) time when discovery is to be completed; May 30, 2008

*March -  
mid-April*

*discovery*

(e) the date by which plaintiff will supply its pre-trial order matters to defendant;

~~June 30, 2008~~

*to be set 7/15*

(f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial; and

~~July 18, 2008~~

*to be set at 7/15*

(g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.

*April 15 at 4<sup>30</sup>*

(leave blank)

(4) a statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

Stipulation and Order of Confidentiality regarding proprietary business and financial information of the parties by January 15, 2008.

(5) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;

(6) anticipated fields of expert testimony, if any;

Industry practice for responding to state tax levies

(7) anticipated length of trial and whether to court or jury;

Three Days; Jury

(8) a statement that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference of when justice so requires;

(9) names, addresses, phone numbers and signatures of counsel;

SO ORDERED:

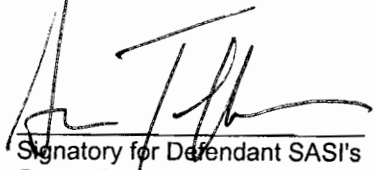
  
SHIRA A. SCHEINDLIN  
U.S.D.J.

*1/3/08*

Elliot L. Schaeffer, Esq.  
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Signatory for Plaintiff's Counsel

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(212) 883-1700

  
Signatory for Defendant SASI's Counsel